

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**UNITED STATES OF AMERICA**  
**Plaintiff**

**v.**

**GILBERTO VARELA RIVERA**  
**Defendant**

**Crim. No. 12-004 (JAF)**

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MOTION REQUESTING THAT THE PSR INTERVIEW BE HELD IN ABEYANCE  
UNTIL THE MATTER OF THE REQUEST TO WITHDRAW GUILTY PLEA  
BE RESOLVED BY THIS HONORABLE COURT

TO THE HON. JOSE ANTONIO FUSTE  
UNITED STATES DISTRICT JUDGE  
FOR THE DISTRICT OF PUERTO RICO:

**COMES NOW**, Gilberto Varela Rivera, represented by the undersigned, and before this  
Honorable Court respectfully states and prays:

1. On March 9, 2012, the appearing defendant plead guilty pursuant to a plea agreement (Docket No. 35).
2. The Sentencing Hearing is set for August 1, 2012 at 9:30 am. (Docket No. 46).
3. On June 25, 2012, the appearing defendant filed a *Motion Requesting the Withdrawal of the Guilty Plea and Requesting the Resetting of the Suppression Hearing*. (Docket No. 51).
4. This Honorable Court scheduled said hearing for the same date the sentencing hearing is scheduled, August 1, 2012 at 9:00am. (Docket No. 52).
5. The appearing defendant respectfully submits to this Honorable Court his concern about proceeding with the PSR interview when the matter of the withdrawal of his guilty plea has not been resolved by this Honorable Court, particularly as to the issues that may be discussed in the interview with the U.S. Probation Officer relating to the offense.

6. In light of the above, the appearing defendant very respectfully requests to this Honorable Court to advance the hearing regarding the request to withdraw the guilty plea or, in the alternative, that the sentencing hearing be continued, and that the PSR interview be held in abeyance until the matter of the request of the withdrawal of the guilty plea be resolved.

**WHEREFORE** it is respectfully requested that this Honorable Court grant the present motion, advance the hearing regarding the request to withdraw the guilty plea or, in the alternative, that the sentencing hearing be continued, and that the PSR interview be held in abeyance until the matter of the request of the withdrawal of the guilty plea be resolved.

**RESPECTFULLY SUBMITTED.**

I hereby certify that on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to counsel for the government, U.S. Attorney Rosa E. Rodriguez (Attn: Special Assistant U.S. Attorney Maria L. Montanez-Concepcion), and all parties involved.

In San Juan, Puerto Rico, on July 6, 2012.

*S/Javier A. Cuyar Olivo*  
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